



Ocean Beach MainStreet Association  
Board of Directors Meeting OBMA  
Office – 1868 Bacon St., Suite A  
**AGENDA – May 14, 2015 noon**

1. Introductions - info
2. Public Comment (2 min) info
3. Additions to the Agenda (5 min) info
4. Reports from Representatives (2 min each) see page 2 for contact information info
5. OBMA Events & Programs (10 min) info
  - A. OB Farmers Market-
  - B. OBMA Sundowner – May 28<sup>th</sup> from 5:30-7:30pm, Rock & Roll San Diego, 3360 Sports Arena Blvd
  - C. OB Street Fair – June 27, 2015 – *recap of May 4<sup>th</sup> meeting* –
  - D. OB Fireworks off the OB Pier – July 4, 2015.
  - E. Lifeguard Relays in August 6<sup>th</sup>
6. Committee Reports (25 min)
  - A. Organization (Barb Iacometti) & Finance (Mike Stifano)
    1. **Will the board approve Minutes from Apr 9, 2015?** Action
    2. **Will the board approve Financial Reports for Mar 2015?** Action
    3. Executive board meeting (Barb Iacometti) postponed info
    4. **Possible changes to OBMA's bylaws regarding electronic transmission** (see attached). Action  
We could have a group of board members review the bylaws and report back.
    5. Review and discussion of **employee manual developed by Coastal Payroll** with some Input from Denny. Quite a few changes. Again, do we want a group of board members to review and report back? Action
  6. Denny's Report info
    - a. BIDC update – **New language in BID Agreement regarding non-public funds and removing BIDC from the City contracts.**(see attached information from Liz Studebaker.) **Will the board authorize Denny to support the new language regarding electronic transmission.** Action
    - b. MAD update - General Benefit vs Special Benefit, \$35,775 in roll over funds clarified. info
    - c. OBMA Elections are in July 1 thru July 8 at 5pm. Intent to Run forms will be available 5-1-15 to 6-10-2015. Election ballots will be mailed out on June 26<sup>th</sup>. info  
Expiring Terms:  
July 2015 Michael Akey  
July 2015 Vacant - Yvonne Cruz (passed away on March 1, 2015)  
July 2015 Gary Gilmore  
July 2015 Ron Marcotte - *has filed Intent to run form*
- B. Crime Prevention Committee (Julie Klein & Mary Orem) Info
  1. OB Security Program – update. **Does the board want to support a renewal of the Security Program starting in July. (6 months at a time)** Action
  2. Fundraising through OBCF for the general public – update on the amount raised so far.
- C. Promotion Committee (Tevia Oskin) Info
  1. OB Directory –Directories are here and are being delivered In the next 10 days to 2 weeks. Info
  2. Mike Hardin Day - we are working on a name for the award we will give in October at our Annual Celebration. One suggestion: Live Like Mike Award. Recap on Mike Hardin Celebration.
  3. Street Fair – Brown Marketing sponsors

4. Beacon and Visitor Guide – we will be in the Visitor’s Guide for the Peninsula and PB/LJ. The Beacon will again produce the general program for the Street Fair. CityBeat will cover all the music.
  5. New Product discussion – puzzle for 2016 50<sup>th</sup> birthday of the pier is being researched.  
Playing cards – on hold Info
  6. New Editor for Beacon is Tom Melville – [tom@sdnews.com](mailto:tom@sdnews.com) Info
- D. Design Committee (Mike Akey) Info
1. Holiday Decorations –back to back swags with a bow on each side. Will order new Bows and swags after Street Fair. Info
  2. Mural placements - for Street Fair murals this year Info
  3. Will be working on new banners for light poles for the 50<sup>th</sup> birthday of the OB Pier Info
  4. Fencing for planters on Newport Ave. – 4 fence replacements are being installed Info
  5. Requested from our Council office that OB gets funded asap for LED lights in the Commercial districts to help us with our Security Program. Info
  6. Bikes – Deco bikes will be installed at the foot of Newport between the two entrances to the pier parking lot. OBMA is responsible for paying to pour a slab in that location. We have applied for the CPPS grant through Councilperson Zapf’s office to cover the cost for us. Info
  7. OBCF – updates Info
- E. ER Committee (Gary Gilmore) Info
1. MAD Annual meeting report - Info
  2. Issues we are looking to take care of: Reducing Street Sweeping hours, LED lights in commercial areas to replace yellow lights, reducing signage clutter in commercial areas for parking, no parking, getting pot holes fixed, getting Newport Ave. paved, etc. Info
  3. Water leak in the MAD area under Newport Ave. Water is turned off. No rush to fix the pipe since we will have the water off. The cost will be \$3500 or more. If we are being charged for water that we couldn’t possibly be using – we’ll deal with that at that point. Info
- F. OBHG (Dave Martin & Mike Zouroudis) *no meeting this month.* Info

7. Other Announcements

**May 19th** – 5:30pm to 7:30pm Going away party for Liz Greene Camarena at Raglan’s. Everyone MUST attend! Really!

**May 28th** is the OBMA Sundowner at **Rock & Roll San Diego** from 5:30pm to 7:30pm. 3360 Sports Arena Blvd. *Hope you will all be there.* Rock & Roll San Diego is a big sponsor of the Street Fair this year. ROAD TRIP to the Midway area.

8. Adjourn

Our Representatives:

- Report from John Ly, Mayor Kevin Faulconer – [JLy@sandiego.gov](mailto:JLy@sandiego.gov)
- Report from Roberto Alcantar, State Senator Marty Block – [Roberto.Alcantar@Sen.CA.gov](mailto:Roberto.Alcantar@Sen.CA.gov) 619-645-3133
- Report from Rachel Gregg, Assemblywoman Toni Atkins – [Rachel.gregg@asm.ca.gov](mailto:Rachel.gregg@asm.ca.gov) 619-645-3090
- Report from Conrad Wear, Councilperson Lorie Zapf – [bwear@sandiego.gov](mailto:bwear@sandiego.gov) 619-236-7351
- Report from Liz Studebaker, City Advocate for the BIDs – phone 619-533-4561 [EStudebaker@sandiego.gov](mailto:EStudebaker@sandiego.gov)
- Report from Robert Tripp Jackson, President of PLA – 619-987-1970 [robert.jackson@sothebysrealty.com](mailto:robert.jackson@sothebysrealty.com)
- Report from Melanie Williams, Liaison from the OB Town Council – 619-961-7289 [melaniewilliams013@gmail.com](mailto:melaniewilliams013@gmail.com)
- Report from Melanie Wilson, Policy Advisor & Community Representative for Supervisor Ron Roberts - 619 531-5544 [melanie.wilson@sdcounty.ca.gov](mailto:melanie.wilson@sdcounty.ca.gov)

## BID Agreement updates

**From:** Studebaker, Elizabeth

**Sent:** Thursday, April 16, 2015 6:07 PM

**To:** Studebaker, Elizabeth

**Cc:** Dibden-Brown, Meredith; Martinez-Higgs, Alicia; Gabriel, Alissa; Moreno, Lydia; Caldwell, Erik

**Subject:** For your review: UPDATED FIRST AMENDMENT TO BID AGREEMENT

Dear BIDs:

As a reminder, we are taking the proposed First Amendment to the BID Agreements to City Council for review on April 27<sup>th</sup> along with the BID Budget Reports & Narratives. I've attached the amendment language along with the existing BID Agreement language for you to review for comparison\*. *In addition to the earlier changes we discussed at the November BID Forum (updates to the Procurement Section, Removal of BIDD), we have also added a new section at the request of one of the BIDs, called "Non-Public Funds". We hope the language below will provide you the opportunity to work on projects that are 100% privately funded without restrictions of your BID Agreement.*

**5.7.2 Non-Public Funds.** In the event Contractor collects any funds other than District assessment funds ("Non-Public Funds"), such Non-Public Funds may be utilized or obligated by Contractor for activities and/or improvements and shall not be subject to the provisions in this Agreement so long as Contractor does not utilize or obligate any District assessment funds towards:

- a) any portion of the proposed activity or improvement to which Contractor proposes the use of Non-Public Funds; and
- b) any staff time or resources associated with the proposed activity or improvement to which Contractor proposes the use of Non-Public Funds, including but not limited to facilitating committee or board discussions, implementing the proposed activity or improvement, soliciting for goods or services necessary for implementation, and accounting or reporting on the proposed activity or improvement. Notwithstanding the foregoing sentence, Contractor's use of District assessment funds for purposes of generating reports pertaining to Non-Public Funds in accordance with the requirements set forth in Exhibits B1 and B2 of this Agreement shall not, by itself, subject such Non-Public Funds to the provisions in this Agreement.

Please let me know if you have further feedback on these changes.

**Monday, April 27 – Council - Resolution of Intention – Actually Tuesday, April 28<sup>th</sup> at 2pm - Denny attended this meeting**

Council will accept/modify the Budget Reports, adopt the Resolution of Intention declaring its intention to levy and collect the BID assessments and give notice that the public hearing will be held on May 19, 2015 or other date as available.

**Tuesday, May 19 – Council – Public Hearing - Denny will attend this meeting**

The public hearing is held. If there are no problems the Council will adopt a resolution confirming the budget reports and the levying of the assessments.

You are welcome to attend both of these City Council meetings, and I will give you more specifics on timing as that comes available.

\*For your reading enjoyment, I included an excerpt from the Staff Report to ensure you all (especially the new EDs) are aware of the process we are starting on April 27<sup>th</sup>.

### EXECUTIVE SUMMARY OF ITEM BACKGROUND:

The state Streets & Highways Code authorizes the City to establish Business Improvement Districts (BIDs), to levy and collect assessments from businesses within the BID for improvements and activities that benefit the assessed businesses. The City's BID program strengthens small businesses and facilitates business attraction and retention and commercial neighborhood revitalization. The Council designates a business association for each BID to advise the Council on the district budget, assessments, and activities and improvements and to implement the program under an agreement with the City.

Annually, as required by State law, the process to approve Budgets Reports and authorize the levy and collection of assessments occurs over two Council meetings. **At the first meeting**, the BID Budget Reports are submitted to Council for approval, along with a resolution of intention to levy and collect the annual assessments, and to notice the required public hearing. **The second Council meeting** includes the public hearing for receipt of testimony on the assessments. Council may then confirm the Budget Reports (or approve modifications to the Budget Reports) by adopting a resolution which shall constitute the levy of assessments for the fiscal year and authorizes the CFO or designee to appropriate, expend and transfer BID funds.

In previous years we asked Council to authorize the Mayor to enter into annual agreements with the BID associations but starting with FY2014 we entered into five year agreements. However, this year, due to changes in the Municipal Code for contracting and procurement and other circumstances, staff is recommending changes to the agreement; collectively, the First Amendment.

Once authorized, the BID assessments are collected by the City Treasurer at the same time and in the same manner as the City's business tax; approximately \$1.52 million annually from 15,000 businesses. The revenue for each BID is recorded separately in the City's accounting system and then, in accordance with Council Policy 900-07, the actual assessment revenue collected by the City in the previous month is advanced to the respective BID associations to enhance cash flow. Supporting documentation on the use of the assessments advanced is required from the BID associations the following month, otherwise future disbursements are held.

**State law requires** that the Budget Reports submitted to Council identify the amounts of projected assessments to be collected during the coming fiscal year which are listed in the reports as "Estimated Assessments to be collected in the Fiscal Year". State law also requires the identification of surplus or deficit revenues from prior years. Any surplus within the City's accounts (City-held Carry Over) is identified in the Budget Reports as "Estimated Unexpended Assessments from prior fiscal year to be carried forward". Additionally, BID associations may have surplus revenues (BID-held Carry Over) at fiscal year-end from unreconciled disbursements; identified in the Budget Reports as "Estimated Outstanding Advances/ Unreconciled Disbursements". These estimated City-held and BID-held Carry Over amounts will be available in FY2016 to support the proposed BID activities.

By approving the Budget Reports the City Council authorizes the appropriation, expenditure, and transfer as applicable, of the assessments to be collected and all City-held and BID-held Carry Over amounts for the approved activities and improvements in the Budget Reports.

Thank you,

Liz

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*April Board meeting: Staff will ask one of the board members to contact all the board members with expiring terms and ask them if they want to run again.*

May 1 & June 1: In the **May & June Newsletter** include information about

1. *Intent to Run for the Board* forms.
2. Notify all members serving on standing committees that we will be having an Election. They can fill out *Intent to Run for the Board* form.
3. Only members in good standing who have earnestly served on one of our standing committees will be eligible to run for a board seat.

June Wednesday before board meeting: Deadline for turning in the *Intent to Run for the Board* form.

June 26th: (last Friday of month – or earlier)

- Send out a ballot to all members in good standing as of June 26<sup>th</sup> clearly indicating who is running for a 3 year board seat.
- Include fax number, email address and mailing address for returned ballots
- Include deadline in July 8, 2015 (day before the July Board Meeting). The July Board meeting will be our “Annual Election Meeting” which is open to the membership and where the votes are tallied.
- July Newsletter will explain all this.

2<sup>nd</sup> Thursday in July - hold the Annual Election Meeting to tally the votes. This will be during the July OBMA Board Meeting.

2<sup>nd</sup> Thursday in August - at the August board meeting, board members elect executive committee.

Board member terms expiring in July 2015:

- July 2015 Michael Akey
- July 2015 Vacant - Yvonne Cruz (passed away on March 1, 2015)
- July 2015 Gary Gilmore
- July 2015 Ron Marcotte

### Section 3.

#### Election of Directors:

a) Notice of any meeting of members for the election of directors shall be in writing and shall be given at least 10 days before the meeting date. The notice shall be given either personally; by electronic transmission by the Corporation; by first-class, registered or certified mail; or by other means of written communication, charges prepaid, and shall be addressed to each member entitled to vote, at the address of that member as it appears on the books of the Corporation or at the address given by the member to the Corporation for purposes of notice. If the Corporation has not given an address for the member, notice shall be deemed to have been given if notice is sent to that member by first-class mail or facsimile or other written communication to the member's principal office.

b) Notice given by electronic transmission by the Corporation means a notice delivered by (1) facsimile transmission or electronic mail when directed to the facsimile number or electronic mail address, respectively, for that member on record with the Corporation, (2) posting on an electronic message board or network which the Corporation has designated for those communications, together with a separate notice to the member of the posting, or (3) other means of electronic communication; provided that (i) such member has provided an unrevoked consent to the use of those means of transmission to conduct a meeting of members, and (ii) such means of transmission creates a record that can be retained, retrieved, and reviewed, and that may later be transferred into a tangible and legible form.

c) Notwithstanding the foregoing, notice shall not be given by electronic transmission by the Corporation after either of the following:

(1) The Corporation is unable to deliver two (2) consecutive notices to the member by that means; or

(2) The inability to deliver the notices to the member becomes known to the Secretary or other person responsible for the giving of the notice.

(d) The Board shall cause the Corporation to prepare and distribute ballots for the election of directors listing the candidates in alphabetical order and provide a ballot to each member entitled to vote not less than ten (10) days before the date set for the election of directors. The ballot and any related material may be sent by electronic transmission by the Corporation and any responses may be returned by electronic transmission, in each case as long as such electronic transmission complies with the requirements of subsections (a), (b) and (c) of this Section 3. All solicitations of ballots shall indicate the time by which the ballot must be returned in order to be counted. The ballots shall direct that the number to be voted for will be determined by the open positions as of the beginning of the new term and that any ballot voting for more or less than this number will not be counted. ~~Not less than 5~~seven days prior to election the President shall appoint a committee of three judges, not candidates, who shall supervise the election. ~~Polls shall open at 11:30 a.m. and close at 12:30 p.m. on election day. Voting shall be in person and shall be secret.~~ The committee of judges shall canvass the votes ~~at a meeting open to the members~~ and certify the result thereof to the Secretary. The candidates receiving the highest number of votes for the open positions shall be declared elected to the Board of Directors by the committee of judges. Tie votes shall be determined by lot by the committee of judges.